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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2006 64560

SHARMI PATEL, PT
1740 N. Maplewood Ave #308
Chicago, IL 60647

A C C U S A T I O N

Physical Therapist License No. PT 29370

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, State of California.

2. On or about April 21, 2004, the Physical Therapy Board of California issued Physical Therapist License No. PT 29370 to Sharmi Patel (Respondent). The License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Physical Therapy Board) for the Department of Consumer Affairs, State of California, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

“The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.”

5. Section 2660 of the Code provides as follows:

“The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

* * *

“(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.”

6. Section 2239 provides in pertinent part as follows:

“(a) The use or prescribing for or administering to himself or herself, of any controlled substances; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages to the extent, or in such a manner as to be dangerous or injurious to the licensee, or any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely . . . constitutes unprofessional conduct.”

7. Section 2661.5 of the Code states in pertinent part as follows:

“(a) In any order issued in resolution of a disciplinary proceeding before

1 the board, the board may request the administrative law judge to direct any licensee found guilty
2 of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs
3 of the investigation and prosecution of the case.”

4 **FIRST CAUSE FOR DISCIPLINE**
5 **(Unprofessional Conduct)**
6 **[Bus. & Prof. Code, § 2660]**

7 8 Respondent is subject to disciplinary action under section 2660 of the
8 Code in that she was charged with driving while under the influence of alcohol and driving while
9 having a 0.08% or higher blood alcohol in violation of Vehicle Code section 23152, subdivisions
10 (a) and (b), respectively, in *People v. Sharmi Gunvant Patel*, Los Angeles County Superior Court
11 Case No. 6SY02605. Respondent then failed to appear at her arraignment on April 27, 2006.
12 The circumstances are as follows:

13 9. On or about February 8, 2006, at approximately 1:39 a.m., Manhattan
14 Beach Officer D. Caveney stopped Respondent for driving without her lights and for driving in
15 between two lanes of traffic. Officer Caveney made contact with Respondent and made several
16 objective observations of alcohol intoxication. He first detected the odor of alcohol from
17 Respondent’s breath. Officer Caveney also noted that Respondent’s eyes were watery and
18 bloodshot, she swayed and wobbled, and her speech was mumbled and slurred. Respondent
19 admitted to having a couple of alcoholic beverages prior to being stopped by Officer Caveney.
20 Respondent also performed a series of field sobriety tests. Based on his investigation, Officer
21 Caveney opined that Respondent had driven while under the influence of alcohol and placed her
22 under arrest. Respondent then agreed to a blood test. Respondent’s BAC was 0.16%.

23 10. A misdemeanor complaint was filed on April 3, 2006. The arraignment
24 was scheduled for April 27, 2006, at 8:30 a.m., at the Los Angeles County Superior Court,
25 Torrance Courthouse. Respondent failed to appear at the arraignment, and a bench warrant in the
26 amount of \$15,000 was issued against her.

27 11. Respondent's conduct in driving while under the influence of alcohol and
28 driving while having a 0.08% or higher blood alcohol constitutes unprofessional conduct within
the meaning of section 2660 of the Code. Respondent’s additional conduct in failing to appear at

1 the arraignment on April 27, 2006, further constitutes unprofessional conduct within the meaning
2 of section 2660 of the Code.

3 **SECOND CAUSE FOR DISCIPLINE**
4 **(Excessive Use of Alcohol)**
5 **[Bus. & Prof. Code, §§ 2660(i), 2239]**

6 12. Respondent is subject to disciplinary action under sections 2660,
7 subdivision (i), and 2239 of the Code in that she drove while having a blood alcohol
8 concentration of 0.16%. The circumstances are as follows:

9 13. Complainant re-alleges paragraph 9 above, as if fully set forth at this point.

10 14. Respondent's conduct constitutes unprofessional conduct in that she used
11 alcoholic beverages to the extent or in such a manner as to be dangerous or injurious to the
12 licensee or any other person or to the public within the meaning of section 2239.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Physical Therapy Board of California issue a
16 decision:

- 17 1. Revoking or suspending Physical Therapist License No. PT 29370, issued
18 to Sharmi Patel.
19 2. Ordering Sharmi Patel to pay the Physical Therapy Board of California the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 2661.3;
22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: April 10, 2007

24 Original Signed By:
25 STEVEN K. HARTZELL
26 Executive Officer
27 Physical Therapy Board of California
28 State of California
Complainant